



**London Borough of Hackney**

# **Health and Safety Service Delivery Plan 2018/19**



INVESTOR IN PEOPLE

Document Number: 20834440

Document Name: H&S Service Delivery Plan 2018/19

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## INTRODUCTION

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Responsibility for the enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities (Hackney) depending upon the activity undertaken by the duty holder. Hackney enforcement officers ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities. To achieve this Hackney provides advice and guidance on the management of risk and what the law requires, conduct inspections and investigations, and take enforcement action where appropriate.

HSE and Local Authority Representative Bodies have a 'Statement of Commitment' which sets out the joint commitment to ensure provision of adequate standards of working together as co-regulatory partners in order to prevent death, injury and ill health of those at work and those affected by work activities. In general, Hackney is the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.

Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

This service uses a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:

- provision of advice and guidance to individual businesses or groups;
- proactive interventions including inspection;
- reactive interventions e.g. to investigate an accident or complaint.

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Hackney inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

Proactive health and safety has diminished over the years in line with the Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Law Enforcement Service Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney.

The plan fulfils the Council's obligations under section 18 of the Health and Safety at Work etc. Act 1974 and with the Health and Safety Executive (HSE) National Authority Enforcement Code, and will be put before the appropriate member forum for approval. The format and content of the Plan provides the basis upon which the Council's Health and Safety Service will operate in order to ensure they are providing an effective service to protect the safety of people employed to work in Hackney. The HSE collects data annually on the enforcement activities of all local authorities and publishes this data. This data collection is known as the LAE1 Return.

The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

The Health and Safety Law Enforcement Service Plan refers to the health and safety law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate under the provisions of the Health and Safety at Work etc. Act 1974 and regulations made there under.

As well as setting out the aims and objectives of the Council's Health and Safety Service, the plan also links the Service's priorities to the Council's core themes. The plan is a public document and will be published on Hackney Council's website.

## 1. HEALTH AND SAEFTY AIMS AND OBJECTIVES

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### 1.1. Aims and Objectives

1.1.1 The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- to assist businesses to meet legal requirements and to raise standards to provide safer workplaces. Improved standards are proven to help businesses to become more prosperous, which can benefit the whole community;
- to use regulatory powers, sensibly and proportionately, and using risk based and intelligence led action.;
- ensure that the environment in which people work is safe and foreseeable risk are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with current HSE guidance (LAC 22/13);
- ensure that the service delivery is planned in accordance with current HSE guidance (LAC 67/2(6));
- to undertake a number of projects in line with the National Code;
- to increase joint working with other services in the directorate, the council and other external agencies and partners to raise the profile of the health and safety service.

### 1.2. Links to Corporate Objectives and Plans

1.2.1. This plan supports the Mayor's priorities 3 and 4 along with the Sustainable Community Strategy priorities 3.

The health and safety service will aim to meet these Mayoral priorities by:

- promoting and participating in initiatives that provide business support;
- by providing low cost training and business coaching;
- by distributing leaflets and advice;
- by reducing incidences of reportable accidents;
- providing an efficient, effective and quality service to both businesses and consumers;
- to ensure the provision of safe working environments within the community;
- to utilise new ways of working and available technology to increase efficiency;

- by assisting the business community to comply with legislation;
- by tackling those businesses that do not comply to the same degree as those businesses that are responsible, diligent and compliant.
- by listening to feedback from businesses and making reasonable adjustments where possible to provide a well-respected service.

## 2. BACKGROUND

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### 2.1. Scope of the Health and Safety

2.1.1 Hackney aims to provide a comprehensive service to all businesses that the service has responsibility for.

2.1.2 The Health and Safety Service is delivered by competent officers equipped with the required knowledge, skills and experience, but if necessary consultants are used to provide additional expertise.

2.1.3. The Health and Safety Service is responsible for inspections and audits of businesses in the borough, which involves both planned and reactive work.

2.1.4. The Health and Safety Service aims to provide a “one stop” service as officers hold dual warrants for health and safety and food safety.

2.1.5. The Health and Safety Service provides the following services:

- carrying out planned inspections of businesses at a frequency determined by HSE LAC 67/2(6) and the National Code to ensure that businesses comply with health and safety laws, and taking appropriate enforcement action as necessary;
- working with local food businesses to help them comply with their legal responsibilities by using a range of interventions as set out in LAC 67/2(6) and by providing information, advice and guidance;
- investigating complaints about businesses in Hackney that present a health and safety risk.;

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- initiating and responding to notifications of reportable accidents as defined by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 ( RIDDOR) and guidance provided by LAC 22/13 and taking appropriate action as necessary;
- providing training in the area of health and safety;
- carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

## **2.2. Demands on the Health and Safety Service**

2.2.1 A key challenge for the health and safety service for forthcoming years is to respond to changes to health and safety enforcement following the Government's commissioning of professor Löfstedt's independent review of health and safety legislation, the government's response and the resulting National Local Authority Enforcement Code. This has required changes in the way the service plans, targets and interventions with duty holders' activities and together with the Regulators' Code, the National Code necessitates the development of a different relationship and engagement with businesses to influence compliance.

Local authorities have been instructed to reduce the number of proactive inspections. This has meant that the health and safety priorities have had to change in line with the direction and guidance provided by the Health and Safety Executive.

2.2.2 This service receives a high number of accident notifications. During 2017/18 there were 93 such notifications; [approximately 100 projected for 2018/2019]. However, in line with the direction and guidance provided by the Health and Safety Executive investigation is only restricted to fatalities and major injuries.

2.2.3 This service works in partnership with a number of internal and external partner on health and safety related inspections. This in turn takes time away when other parts of the plan could be completed. Only 15% of the work completed by the team is focussed on health and safety with the remaining 85% is dedicated to food safety.

## **2.3. Enforcement Policy**

2.3.1. The Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be 'on the right side' of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action. This may include prosecution or other formal action where appropriate against those who disregard the law or act irresponsibly.

- 2.3.2. The Health and Safety Service will make full use of the interventions set out within the HSE guidance document that provides LAs with guidance and tools for priority planning and targeting their interventions known as LAC 67/2(6). This will ensure that those businesses that are compliant with health and safety law are subject to interventions which reflect the level of compliance that they have achieved and maintained in order to allow proportionate and targeted regulation of those businesses that present the greatest risk to health and safety.
- 2.3.3. The Service is involved in a number of enforcement initiatives which involves working in partnership across service areas and with external agencies and organisations to tackle issues and concerns about health and safety, minimum wage, etc. The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur.

### 3. SERVICE DELIVERY

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#### 3.1. Inspection Programme 2018/19

- 3.1.1 The health and Safety Service will employ a range of interventions to assist in raising the compliance with businesses in the borough. Interventions include inspection, monitoring, surveillance, education or verification visits and should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 3.1.2 Alongside the National Code, the HSE has published a list of higher risk activities as national Priorities to inform local authority planning, based on sector specific HSE strategies. In 2016/17, the HSE had formally raised concerns about our low levels of interventions/activity relating to workplace health and safety, following our annual submission of data (LAE1 return). As a result the restructuring and staff sickness was cited to mitigate the less than expected activity and LBH's commitment to effective health and safety was renewed. 2017/18 data showed improvement but despite reduction in the current resources, continuous improvement will have to be demonstrated by achieving increased levels of regulatory work and provisions of advice.
- 3.1.3 The National priorities and local priorities programme for 2018/19 are listed in table 1 below:

#### **Table 1– Health & Safety Programme for 2018/19**



<b>What are the priorities?</b>	<b>Why intervene?</b>	<b>Where to intervene?</b>	<b>How to intervene?</b>	<b>When to intervene?</b>
1. Inspection of cat A high risk premises.	High risk	Currently 4 high risk premises have been tagged for inspection.	All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.	On-going 2018/19 By end of March 2019
2. Develop and deliver the health and safety delivery plan.	A comprehensive service plan detailing the activities of the team is essential to provide focus and direction to the team.	The Plan sets out the H&S service's priorities and resources identified.	Other interventions	By end of April 2018; commencement dependant on HSE programme.
3. Inspection and risk assessment of work based transport (such as fork lift trucks) as a specific project.	This is an All London Health and Safety Group's considered priority. To raise the awareness surrounding risks associated with work based transport.	This will be dependent on the campaign material yet to be issued by the Group	Inspection, education & awareness	by end Q3 2018/19
4. Investigations of incidents and complaints using LAC22/13	To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.	10% of all RIDDOR notifications will be investigated.	Incident & ill health investigation	On-going 2018/19
5. Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor	Environmental Health Team carries out health and safety inspections of Massage and Special Treatment (MST) premises to help the Licensing Team	The environmental health team will inspect all premises that apply for a new license to provide UV light treatment, IPL, sauna, steam, spa, tattooing and	Inspections and other appropriate interventions.	On-going 2018/19

<p>performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.</p>	<p>determine initial applications. Subsequently all premises deemed to be carrying out high risk activities are inspected annually, upon receipt of renewal application. All H&amp;S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted Health and Safety Executive</p>	<p>body piercing) not ear and nose piercing)</p>		
<p>6. Increased enforcement of H&amp;S matters.</p>	<p>Undertake appropriate interventions consistent with Health and safety enforcement Policy</p>	<p>Premises found to be unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, enforcement Notice or prosecution.</p>	<p>Inspection or other appropriate interventions</p>	<p>On-going 2018/19</p>
<p>7. Development of standard operating procedures (SOP)</p>	<p>Up to date and accurate standard operating procedures are essential to the team.</p>	<p>A programme of review of H&amp;S SOPs. Revised/new procedures will be integrated in the teams work stream.</p>	<p>Development/review and of procedures</p>	<p>On- going 2018/19</p>
<p>8. Submission of LAE1 report</p>	<p>Statutory requirement</p>	<p>Annual and 6-month submissions</p>	<p>Other intervention</p>	<p>By end of Q2 2018/19</p>
<p>9. Matters of Evident Concern (MEC) arising from multi-agency</p>	<p>Joint agency projects allow us to go in to premises that</p>	<p>Projects with internal and external partners on, for</p>	<p>Inspection, joint operations</p>	<p>On-going 2018/19</p>

<p>projects</p>	<p>we would not normally inspect. This allows us to gain intelligence on those business activities and their compliance with H&amp;S regulations.</p>	<p>example, National Minimum Wage, smoking cessation</p>	<p>Advice, guidance and inspections</p>	<p>On-going 2018/19</p>
<p>9. Responsible Authority role/Event safety</p>	<p>To ensure public safety issues arising from licensed events and premises in the Hackney are minimised.</p>	<p>Beneficial to employers, workers and the wider economy.</p>	<p>Advice, guidance and inspections</p>	<p>On-going 2018/19</p>
<p>10. Workplace health and wellbeing</p>	<p>To reduce sickness, lower staff turnover and boost productivity by encouraging health workplaces.</p>	<p>Partnership working with the Public health Team</p>	<p>Partnerships established as part of the Better Regulation Delivery Office's initiative</p>	<p>On-going 2018/19</p>
			<p>Review and respond to consultations, including making of representations where necessary. Review event plans and risk assessments, site visits. Involvement in Safety Advisory Groups</p>	<p>On-going 2018/19</p>
			<p>Education and awareness liaison with event organisers.</p>	<p>On-going 2018/19</p>
			<p>To explore working with interested businesses to promote good practice and</p>	<p>On-going 2018/19</p>

			supporting businesses through advice/audits	
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### 3.2 Primary Inspections

- 3.2.1 Businesses are categorised into four risk types, category A – high risk; B1 and B2 - medium risk and C – low risk. However, current HSE advice states that no proactive inspection, other than category A, shall be undertaken. For 2018/19, so far, no premises have been identified as category A. Businesses that are in category B1-C will be visited if a complaint is made or form part of a project identified in table 1 above.
- 3.2.2 Businesses are evaluated on four different elements of a business' health and safety performance (i.e. how effective is the business at managing any risks it creates) - confidence in management, safety performance, health performance and welfare compliance gap
- 3.2.3 Ratings are based on finding during an intervention and a 'category' will then be assigned.
- Category A, are inspected annually;
  - Premises that are not rated category A are not subject to proactive inspections at any determined interval but can form part of a project or other interventions.

### 3.3 Health and Safety premises classification

- 3.3.1 There are no high risk premises, presenting a high health and safety risk, (category A) requiring a statutorily required proactive inspection for 2018/19, but the situation may change as result of investigating accident notification and complaints.
- 3.3.2 Inspections due for inspection are allocated based on a ward and risk priority basis via Civica APP database. Officers participating in the health and safety inspection programme also undertake for all reactive work on a ward basis.
- 3.3.3 The inspection programme will be monitored on a weekly, monthly and quarterly basis as required.

### 3.4 Complaints and Service Requests

3.4.1 The health and Safety Service aim to investigate all complaints within the timescales set out below in table 2.

3.4.2 Table 3 below sets out the main activates of the team in 2017/18

Table 2: Service Response Target Times

	<b>Response target</b>
95% 1 <sup>st</sup> response	Within 10 working days
Urgent (i.e. existence of imminent risk to health)	Within 24 hours
Non-Urgent	Within 5 working days
Letters	Within 10 calendar days
Telephone	Answer within 3 rings
Service Complaints	Within 10 working days
Members' Enquiries	Within 10 working days

Table 3 below sets out the Key Service activity in 2017/18

Type of Service Activity	No.
Number of primary inspections	14
Number of Improvement Notices served	24
Number of Prohibition Notices served	15
Number of RIDDOR notifications	93
Number of enforcement/enforcement letters	5
Number of H&S revisits	25
Number of H&S reactive visits	23
Number of H&S project visits	27

### **3.5 Home Authority Principle**

- 3.5.1 The Service is committed to the Home Authority Principle, i.e. the relationship between a business and local authority where the decision making base (i.e. head office) of the company is located. The Service will continue to provide an informal Home Authority Service as it recognises the importance of using this approach and its value in securing and improving food hygiene and food standards practices.

### **Primary Authority Principle**

- 3.5.2 The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report, and Macrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.
- 3.5.3 Currently Hackney has no Primary Authority Partnership with local businesses but continues to act in an informal capacity with a number of manufacturers, importers and wholesalers in the borough.
- 3.5.4 The Environmental Health Service will seek to establish one Primary Authority Partnership agreement with a business or organisation this year.

### **3.6 Advice to Businesses**

- 3.6.1 The health and safety Service recognises that the majority of businesses seek to comply with the law. We will give assistance to businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service will continue to:
- Provide advice during inspections and other visits to premises;
  - Provide and distribute advice documents (in various languages) produced by the HSE, other Government bodies, advisory groups, and in-house, as necessary
  - Regularly update the department's web page to ensure the most up-to-date information is available and where possible links to the relevant documents.

### **3.7 Additional Priorities and Partnership Working**

- 3.7.1 The Health and Safety Service will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams, Public Health (Hackney) and other internal and external organisations including the Metropolitan Police, HMRC and the Home Office to tackle emerging, arising issues and regulatory non-compliances.

### 3.8 Promotional Campaigns

3.8.1 The service will take part in campaigns that add value to the work of the service. The team are already committed to the carbon monoxide awareness campaign launched in 2017/18 and is continuing with phase 2 of the project. Future projects such as work based transport checks, and any other initiated by the HSE or All London Group will also be supported.

## 4. RESOURCES

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### 4.1. Staffing Allocation

4.2.1 The staffing for food safety function for 2015/2016 is as follows:

**1.4 FTE x Senior Environmental Health Officer (PEHO/S/EHO/BSO)**

**0.35 FTE support staff**

**Total FTE required to deliver this plan = 1.4 FTE**

### 4.2. Authorisation and Competencies and Staff Development Plan

- 4.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 4.4.1 There is a Corporate Staff Annual Appraisal and Development scheme, and at the start of the year all staff will have their own personal plan which comprises their main objective for the year with targets and their own development plan.
- 4.4.2 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan. In addition staff also receive regular one-to-ones/supervision meetings whereby competencies and development needs are discussed and assessed, with adjustments made to the training plan where appropriate.



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4.4.3 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

4.4.4 Officers will be assisted in achieving 20 hours' Continual Professional Development

## 5. QUALITY ASSESSMENT

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### 5.1. Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the quality of health and safety enforcement work and compliance with the guidance from the Health and Safety Executive;
- Minuted monthly team meetings;
- Annual performance appraisals;
- Development needs assessments and training plan;
- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly one-to-one meetings.

### 5.2. External Arrangements

5.2.1. The service will submit the annual LAE1 health and safety activity report to the Health and Safety Executive.

5.2.2. Periodic review of practices and procedures will be discussed at the regional London and quadrant health and safety meetings held three to four times a year respectively.

## 6. REVIEW

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### 6.1 Review against the 2017/18 Service Plan

6.1.1 Performance is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings. Monthly and quarterly performance reports are produced for review by the Corporate Director and portfolio holder

### 6.2 Highlights

- Completion of all high risk category A inspections - a decrease in the number of high risk premises from 6 to 0 through consistent interventions has been achieved but other high risk premises may emerge whilst carrying out inspections related to specific projects, whilst investigating complaints or accident notifications, and establishment of new businesses.
- 12 butchers in Ridley Road E8 were visited on 21<sup>st</sup> November 2017. 10 Prohibition Notices were issued where two or more of the following defects were noted: missing or defective guards, absence of door interlocks and blade overrun.
- Phase one of the charcoal project for monitoring the carbon monoxide levels was completed by 27 initial visits and 11 re-visits. Phase two is underway and 4 out of 11 premises have been visited. The purpose of this project is to make the food business operators, in mainly Turkish Restaurants using solid fuel, aware of the dangers of carbon monoxide (CO) poisoning to the staff, customers and the residents living above the business premises. A number of areas requiring improvements were identified, such as poor knowledge about the risks, lack of risk assessments, no CO detectors being installed, poor ventilation and no training of staff. These shortcomings were remedied by a combination of advice, guidance and formal enforcement actions.

### 6.3 Key areas for improvement/development

These include:

- To ensure delivery of a targeted risk-based approach for all health and safety interventions and project based work to deliver national and local priorities and the requirements of the National Code.
- Continued improvements on use of database and to identify efficiencies in processes.
- Quality monitoring of the Service activities against standard operating procedures.

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- Continued development and review of procedures, and process maps.
- Responsible Authority role
- To support business development and compliance in the borough.
- To develop the health and safety training programme for businesses to improve compliance and service growth